

Stafford County BOARD OF ZONING APPEALS

MINUTES JUNE 27, 2006

The regular meeting of the Stafford County Board of Zoning Appeals on Tuesday, June 27, 2006 was called to order with the determination of a quorum at 7:06 p.m. by Chairman Nick Kopchinsky in the Board of Supervisor's Chambers in the Stafford County Government Center. Mr. Kopchinsky introduced the Board members and staff and explained to the public present, the purpose, function and process of the Board of Zoning Appeals. He asked the members of the public who planned to speak at this meeting to please stand and raise their right hand, swearing or affirming to tell the truth.

Mr. Kopchinsky said the By-laws of this Board state that the applicant is allowed up to ten minutes to state their case, the other speakers are allowed up to three minutes to testify, and the applicant is allowed up to three minutes for rebuttal.

Members Present: Nick Kopchinsky, Larry Ingalls, John Overbey, and Steven Beauch

Members Absent: Julie Rutledge, Cecelia Kirkman and Angelo Amador

Staff Present: Rachel Hudson, Deputy Zoning Administrator
Steve Hubble, Environmental Programs Coordinator
Wanda Doherty, Recording Secretary

Declarations of Disqualification's: **Mr. Ingalls – SE06-/2600341** - Mr. Chairman I will have to abstain because a firm I work for does work for the Stafford County Utilities Department.

Mr. Kopchinsky said he would like to restate that it takes four positive votes to approve an application, appeal or special exception. Since there are only four members present and one is abstaining from one case, the applicant in that case may want to wait to see if other members show up. If no one else shows up we will not be able to hear the Stafford County Board of Supervisors request tonight. He said there may also be some hesitation on the part of some applicants who would like to have their cases heard by the full Board or a larger Board. Mr. Kopchinsky said if anyone feels this way he is providing the opportunity to step forward and request a postponement of their case.

PUBLIC HEARINGS:

Ms. Hudson reviewed the following case for the Board. Ms. Hudson reminded the Board this case came before the Board in April and the case was left open as requested by the applicant. She said additional information was sent to the Board for review on this case.

V06-2/2600163 - GROSS DOUGLAS & ELIZABETH - Requests Variances from Stafford County Code, Section 38(b), "Performance Regulations", and Section 28-273, "Nonconforming

Structures", to allow an addition to an existing nonconforming structure on Assessor's Parcel 58B-1D-13. The property is zoned R-1, Suburban Residential, and is a corner lot located at 406 Rumford Road, Tylerton Subdivision.

Mr. Kopchinsky asked the applicant to come forward.

Mr. Douglas Gross said there was a mistake on tonight's agenda; I am not here to request a variance on the Performance Regulations Sections 28-38(b). He said he is present only to request a variance on Section 28-273, the setback requirements are not being requested for a variance tonight.

Mr. Kopchinsky asked Mr. Gross to wait and he would start his time again. Mr. Kopchinsky said he needed to see what Mr. Gross was talking about. Mr. Kopchinsky said he wished he had some legal advice. Mr. Kopchinsky said the advertisement went out under a variance of setback requirements.

Ms. Hudson said the advertisement went out for both 28-38(b) and 28-273. She said in the past if we have additional code sections to add those have to be advertised but if one is going to be deleted it does not have to be advertised.

Mr. Kopchinsky asked Mr. Gross to continue.

Mr. Gross presented a power point presentation to the Board and read information submitted to the Board to review prior to the meeting. Mr. Gross discussed his belief that his property is grandfathered, a supreme court ruling similar to his, his belief that hardship is met and those are some of the reasons why he does not need a variance. Mr. Gross said he is requesting the Board to grant a variance to remove the restrictive nature of Stafford County Ordinance 28-273(a) that prevents us from adding square footage to a pre-existing legal use non-conforming structure. He said with the understanding that the proposed addition would not alter or enlarge the pre-existing non-conformity in anyway. He also recommends that if the Board believes that it is warranted to impose special conditions to the variance and or request or guarantee a bond that being imposed would ensure that all work performed would not alter the preexisting non-conformity in anyway.

Mr. Kopchinsky asked the Board if they had any questions for the applicant. Mr. Kopchinsky reminded Mr. Gross of the information given to him and Ms. Gross regarding the proposed Ordinance change going to the Board of Supervisors. Mr. Kopchinsky said the Board had recommended that Mr. & Mrs. Gross waits to see what the Board of Supervisors does with the Ordinance and asked Mr. Gross why they are continuing before a Board of Supervisors decision is made.

Mr. Gross said he has a contractor that is getting ready to retire this year and he is against a bind in time. He said he had also discussed the development of the proposed Ordinance with

Supervisor Pete Fields. Mr. Gross said he honestly does not believe the Ordinance would hold water very long given the specific penalty of the state code. The new Ordinance will put the Board in a bind where they will have a person requesting a variance for the non-conforming section of a home and if granted it would be against state code. Currently the code being applied does not discriminate between non-conformities.

Mr. Kopchinsky said if the new Ordinance passes it only has to hold up for your request because once it is granted you are good to go.

Mr. Gross said that is probably true but I don't think it is the right thing to do and it could be good in the short term.

Mr. Overbey said Mr. Gross I think you could be wrong in your assumptions that the new Ordinance if passed would not hold water because several localities in the state are already using the special exception process to grant an increase to nonconforming structures. He said the City of Alexandria uses that method to increase nonconforming structures at the present time and it has not been challenged by anyone.

Mr. Gross said maybe he was not clear. He said granted the special exception would work in his case but if he was asking for a variance to the other side of his house for the nonconforming section of my home and it was granted it would be against state law.

Mr. Overbey said we are going by what is in the code and according to our code your whole house is nonconforming and not just a 400 foot section.

Mr. Kopchinsky said he had a question about your presentation where you said a denial would effectively confiscate 200 square feet and what 200 square feet is that.

Mr. Gross said the nonconforming section of his home. He said in the Cochran ruling it was very specific that there are other options available independent of a variance to proceed with construction.

Mr. Kopchinsky asked Mr. Gross if he has seen the proposed Ordinance going to the Board of Supervisors in August.

Mr. Gross said yes and he had attended the Planning Commission meeting.

Mr. Kopchinsky said he again would like to remind the applicant there are only four members of the Board in attendance tonight and he has to have a positive vote from all four members. He said if your request is not approved and the new Ordinance is approved by the Board of Supervisors this case is closed and if you want to come back for a Special Exception you are

going to have to re-apply. He said that because of changes in fees a few years ago that is not a cheap way to go. Mr. Kopchinsky asked again why Mr. Gross did not want to wait and I will give you the same opportunity this time as last time to postpone.

Mr. Gross said thank you for the offer.

Mr. Kopchinsky asked the Board if they had any questions for the applicant and being none he thanked the applicant and informed him he would have another opportunity to address the Board.

Mr. Kopchinsky opened the Public Hearing for other comments.

Opponents: None

Proponents: None

Mr. Kopchinsky gave the applicants a final opportunity to speak.

Mr. Gross said he would like to address one more point. He said he agrees with what the code says. He said his interpretation that he would like the Board to consider is the fact it is telling you, you can expand or extend by itself. He said it does not preclude the nonconformity and does indicate you shall not expand the structure for which is the nonconformity building structure and is two separate codes within the state. He said he understands that Stafford considers it one code hence my request for a variance.

Mr. Kopchinsky closed the public hearing.

Motion:

Mr. Overbey made the motion to deny the request for a variance.

Mr. Beauch seconded the motion to deny.

Mr. Overbey said he made the motion to deny because he does not believe the request meets the requirements for a variance. He said this is a nonconforming structure, the whole structure is

nonconforming not just a portion of it according to our county code and that is the reason I made the motion.

Mr. Beauch said he seconded primarily so the Board could have discussion because they could go either way. He said he believes relief is coming down the road and believes we should stick strictly with the law.

Mr. Ingalls said he is currently inclined to vote against the motion because he believes it is a hardship. He said it is a hardship not created by Mr. Gross. He said he agrees with some of what was presented tonight. He said he did not agree with all of what the applicant talked about in terms of the legal stuff. He said through no fault of his own the County changed the code and that has created a hardship. He said in light of the Cochran case as Mr. Gross pointed out we could certainly say this is a hardship and it is confiscating where he can no longer do any thing with his home. He said therefore he is inclined to vote against the motion.

Mr. Kopchinsky said he is calling for the vote on the motion by Mr. Overbey and seconded by Mr. Beauch.

Vote:

Motion failed 3-1

Mr. Ingalls – no
Mr. Kopchinsky – yes
Mr. Overbey – yes
Mr. Beauch – yes

Mr. Kopchinsky said the motion fails 3-1 to deny, do we have another motion.

Mr. Kopchinsky said we can still make another motion if Mr. Ingalls would like to make a motion to approve with modifications.

Mr. Ingalls made the motion to grant the request for variance of ten feet.

Mr. Kopchinsky said we have a motion to grant a variance of ten feet as originally submitted to us.

Mr. Beauch said so the Board can discuss he will second the motion.

Mr. Ingalls said again he feels like it is the right thing to do because even in light of the Cochran case these are structures and families that the County has confiscated property by changing the setbacks on structures that were built in conformity when they were built.

Mr. Kopchinsky said he would like to point out that Mr. Gross brought out that he really was not looking for ten feet and really just trying to get a variance from section 28-273(a). He said if we grant the ten feet the applicant would have a right to do anything with his property because his setback would be reduced to what it is currently. He said which is the normal procedure in these cases for variances. He said he believes this Board is sympathetic as to Mr. Ingalls argument and have submitted over the past several years to the Board of Supervisors recommendations that

they may want to reconsider how they treat nonconformities in the County. He said that has not yet occurred and clear language of the Ordinance unfortunately says you may not enlarge including square footage. He said he did not feel he could support the motion at this time.

Mr. Beauch said Mr. Ingalls could modify his motion to restrict the footprint of the house. He said he did not know if that would help. He said the way the motion stands the applicant could expand the footprint of the house.

Mr. Ingalls said he would consider modifying the motion because the Board can put conditions on variances.

Mr. Ingalls said he was modifying his motion to grant a ten foot variance but the footprint of the current house not be increased.

Mr. Beauch seconded the motion.

Mr. Kopchinsky said he is calling for the vote on the motion by Mr. Ingalls for a setback variance of ten feet and the footprint of the house on the ground not be increased and seconded by Mr. Beauch.

Vote:

Motion failed 2-2

Mr. Ingalls – yes

Mr. Kopchinsky – no

Mr. Overbey – no

Mr. Beauch – yes

Mr. Kopchinsky said the motion fails 2-2.

Mr. Kopchinsky informed Mr. Gross he would receive a letter in the mail and has 30 days in which to appeal to the circuit court if that is his decision.

Ms. Hudson reviewed the following case for the Board. Ms. Hudson said she is aware that Mr. Walter Sheffield attorney for the applicant is present tonight and has some additional documentation for the Board and staff.

A06-1/2600164 - ANTHONY & RICHARD KIM - Appeal of the Deputy Zoning Administrator's letter dated December 9, 2005 regarding Motor Vehicle Dealer Board Certification for selling used vehicles on Assessor's Parcel 38-31 located at 1421 Jefferson Davis Highway.

Mr. Kopchinsky asked if the Board had any questions of County staff and being none he asked the applicant or person representing the applicant to come forward.

Walter Sheffield said he is the attorney representing the applicants.

Mr. Kopchinsky said he did not have authorization in his packet for Mr. Sheffield to speak for the applicants Mr. Anthony and Richard Kim.

Mr. Anthony Kim said he and his brother to his left have given Mr. Sheffield permission to represent them.

Mr. Sheffield said they would like to distribute several packets to the Board. He said this case is an appeal of the Deputy Zoning Administrator's ruling of December 9, 2005. He said they have been unable to get the facts together and to you until very recently. He said they will be asking tonight if you would like to pass the appeal that would be fine, but they would also be fine with the case being sent back to Ms. Hudson for her consideration.

Mr. Sheffield said the property being discussed has been one of the biggest eye sores for years. He discussed the previous owners and the use they made of the property such as vehicle salvage, repair and sales. He said two years ago one of the previous owners passed away and the property was sold to the Kim's. He said the previous owner known as Norman's garage would tow vehicles, sell parts, fix up vehicles and sell vehicles. He said when the property was turned over to the Kim's everything has been fine except Ms. Hudson did not have sufficient facts before her to know if there had been vehicles purchased and sold on the property. He said they have been trying to get factual information to provide to the Board and Ms. Hudson and that is what is being given to you tonight. He said included in the packet are affidavits stating vehicles were routinely sold on the property. Mr. Sheffield introduced Mr. Anthony Kim.

Mr. Kim said they are not trying to expand the usage of the property. He informed the Board of all the improvements they have made to the property.

Mr. Kopchinsky asked the Board if they had any questions for the applicant and being none he thanked the applicant and informed him he would have another opportunity to address the Board.

Mr. Ingalls said in the Deputy County Attorney's letter she talked about types of evidence as being business license, tax returns, business transaction receipts, and dated aerial photographs. Do you have any of that information?

Mr. Sheffield said they have photographs that show vehicles that were bought and sold. He said they have much of the information referred too. He said they may be able to come up with some of the documents but the only surviving previous owner is in bad health. He said they obtained the affidavits because they could not locate original documentation.

Mr. Ingalls said from the affidavits and what you are saying that over the years the previous owner bought and sold cars.

Mr. Sheffield said he did see several hundred vehicle titles that the previous owner had and he did not think the Board could find anyone who would say the buying and selling of vehicles did not occur.

Mr. Beauch asked wasn't there a long period of time that nothing transpired on that property. He said he has driven by there and the only thing that appeared to happen was the trees grew for ten or more years.

Mr. Sheffield said the previous owners lived on the property but their activities continued with buying and selling of parts and vehicles.

Mr. Kim said a vehicle salvage yard is a natural place to sell cars.

Mr. Kopchinsky asked if the applicant had attempted to contact DMV to see if they had previously issued an authorization for a legal car dealership on this property.

Mr. Sheffield said the previous owner did not have a legal used car dealer license but he had a salvage license and under the law in the Commonwealth of Virginia a salvage yard is permitted to buy and sell used vehicles.

Mr. Kopchinsky said the County Ordinance says he can sell inoperable vehicles. He said you are surrounded by M-1 zoning, have you considered perhaps a rezoning request and perhaps a conditional use permit so everything would be above board and meets every part of the Ordinance.

Mr. Sheffield said when the business was purchased we wanted to make sure we got what we paid for and once it is cleaned up the owners want to stop and assess the future and that is something to consider.

Mr. Kopchinsky opened the Public Hearing for other comments.

Opponents: None

Proponents: None

Mr. Kopchinsky gave the applicants a final opportunity to speak.

Mr. Sheffield said with the evidence provided and explained candidly why it has been so difficult to amass this type of evidence, that is really what went there. He said the business that was there

is what we want and we hope you will approve it tonight or refer the case back to Ms. Hudson and we could come back another night if necessary.

Mr. Kopchinsky said before he closes the public hearing is your request to postpone or keep the hearing open and send the material back to the Zoning Administrator for review and depending on the decision you can come back here one time and finish this. He asked if the applicants request to table the application at this time and allow staff to review the documentation they have not seen.

Mr. Sheffield said they trust the staff to look at things honestly and would like the information to go back to staff for recommendation. He said he would like the application to be tabled.

Motion:

Mr. Overbey made the motion to table the case to allow County staff additional time to review the new documentation provided tonight and provide additional input if required.

Mr. Ingalls seconded the motion.

Mr. Kopchinsky said he is calling for the vote on the motion by Mr. Overbey and seconded by Mr. Ingalls.

Vote:

Motion carried 4-0

Mr. Ingalls – yes

Mr. Kopchinsky – yes

Mr. Overbey – yes

Mr. Beauch – yes

Mr. Kopchinsky said the motion carries 4-0 this case is tabled and will be rescheduled after staff reviews and talks to the applicant some more.

Ms. Hudson reviewed the following case for the Board.

V06-06/2600340 - FULTON TERRY L & ROBIN - Requests Variances from Stafford County Code, Section 35, Table 3.1 "District Uses & Standards", R-1, Suburban Residential, Section 28-38(b) "Corner Lots" for front yard requirement to allow an addition to a single family dwelling on Assessor's Parcel 46C-2-45. This property is zoned R-1, Rural Suburban is located at 101 Pecan Lane, Bel Air Heights subdivision.

Mr. Kopchinsky asked if the Board had any questions of County staff and being none he asked the applicant or person representing the applicant to come forward.

Mr. Kopchinsky asked Ms. Hudson to clarify where we get into the open carport does it count against the setback.

Ms. Hudson said we allow an open carport to encroach the same as an open porch.

Mr. Kopchinsky basically six feet and that is it and Ms. Hudson said that was correct.

Terry Fulton said most of the information is in the package but they wanted to bring up a few additional points tonight. He said they tried to take pictures and show the hardship. He said the house was built in 1963 and they have plenty of room on the left side of the house. He said the biggest problem they are having now as shown in the pictures is their oldest daughter is handicapped with limited mobility and we have to transport her to different activities such as doctor's appointments. He said when you put the van in the carport the vehicle lift extends outside the carport into the weather (rain, snow, sleet) and she gets wet. He said they are thinking to pull the vehicle in to a garage so she can be on and off loaded out of the weather. He said the original plans we ask for the carport and an additional twenty feet. He said I stand here and tell you it was my hope to put a two car garage in there. He said now we are only seeking to have access to an enclosed garage for our daughter. He said if they have to come down in footage they are willing to do that. He said the pictures speak for themselves as far as the hardship his daughter has to incur.

Mr. Kopchinsky asked if the Board had questions for the applicant.

Mr. Beauch asked if the carport was being enclosed as a garage and Mr. Fulton said that was correct.

Mr. Ingalls asked if the existing carport would become a living place.

Mr. Fulton said no it would be a single car garage.

Mr. Ingalls said that would put you approximately 7.9 feet from the right-a-way of Belair Place.

He said from the pictures you have room to add a slab to the existing carport to have more room for the wheelchair but it would still be in the open weather.

Mr. Fulton said they have looked at many different options but this option would be best to eliminate the elements. He said once we found out about the zoning Ordinances they talked it over and we will only ask for the single car garage to support my daughter.

Mr. Ingalls asked if they had considered moving the garage to the other side of the house.

Mr. Fulton said yes sir, but with a brick home there is no real way to access on that end of the house because there are two bedrooms there.

Mr. Ingalls discussed the dimensions with Ms. Hudson.

Mr. Overbey asked how long have they have lived there and Mr. Fulton said since 1997.

The Board discussed other options with staff such as free standing, smaller addition and other suggestions exhausting all viable options.

Mr. Kopchinsky opened the Public Hearing for other comments.

Opponents: None

Proponents: None

Mr. Kopchinsky gave the applicants a final opportunity to speak.

Mr. Fulton said they are basically asking for six feet to extend the carport to an enclosed driveway to keep our daughter out of the elements.

Mr. Kopchinsky reminded Mr. Fulton of the procedures with it being only 4 members present and Mr. Fulton said he would like to continue tonight.

Mr. Fulton said if he waits any longer if the request is approved he will not have time to build the garage before winter.

Mr. Kopchinsky closed the public hearing.

Motion:

Mr. Beauch made the motion to approve for no more than a 6' extension for an enclosed garage.

Mr. Overbey seconded the motion.

Mr. Beauch said he made the motion because it meets the requirement of our Ordinance and I don't see relief from the Board of Supervisors for this. He said he also made the motion because of the hardship and medical necessity that exist.

Mr. Ingalls said he was trying to understand the motion. He said, you are saying he can build an

enclosed garage that extends 6' past the carport.

Mr. Beauch said that was correct.

Mr. Ingalls said he was just trying to understand the measurement details.

Mr. Overbey said when he seconded the motion he made it for discussion and will vote in favor of the motion. He said he knows what the Ordinance says and I agree with Mr. Beauch on the medical and I know we are not supposed to consider Medical. He said he believes this is a hardship on the family.

Mr. Beauch said he puts himself in the Fulton's place and hopes the Board can grant this variance.

Mr. Ingalls said this is one of our oldest subdivisions even before zoning and who would have thought in 1963 what we would be doing today. He said why they set the house where they did and being built prior to any zoning it was not thought about. He said he agrees with Mr. Beauch and inclined to vote for the motion.

Mr. Kopchinsky said these are some of the hardest cases we get and we have had medical issues before and probably looked like ogres on them. He said the zoning Ordinance change made the setback requirements what they are. He said Mr. Beauch's motion is providing the least amount variance possible to accommodate a horrible situation and he is inclined to support the motion.

Mr. Ingalls said the reason I will probably vote for the motion is I believe you have a house set up a certain way with no zoning and nobody worried about it. He said he is looking at it strictly on the merits of building a garage. He said he hears the medical situation, but I am not basing my vote on that and believe this is a hardship and would consider it the same way without the medical situation.

Mr. Kopchinsky said he is calling for the vote on the motion by Mr. Beauch and seconded by Mr. Overbey to approve the variance which amounts to an 8.1 foot variance with enclosed structure.

Vote:

Motion carries 4-0

Mr. Ingalls – yes

Mr. Kopchinsky – yes

Mr. Overbey – yes

Mr. Beauch – yes

Mr. Kopchinsky said the motion carries 4-0.

Mr. Kopchinsky said Stafford County Board of Supervisors is next and we do not have any more members present and Mr. Ingalls has abstained. He said you can stay to see if another member of the Board shows up or you can postpone until next month.

Mr. Dayton said he would request the case be postponed to next month.

SE06-3/2600341 - STAFFORD COUNTY BOARD OF SUPERVISORS - Requests a Special Exception per Stafford County Code, Section 28-57(h)(3)a "Flood Hazard Overlay District", to allow construction of a dam across Rocky Pen Run for the purpose of creating a reservoir on Assessor's Parcel 43-73A zoned A-1 Agricultural.

The Board took a ten minute recess.

Mr. Kopchinsky asked if the applicants for case SE06-4/2600342 Christopher & April Perez were in the audience.

SE06-4/2600342 - CHRISTOPHER E. & APRIL D. PEREZ - Requests a Special Exception per Stafford County Code, Section 28-35 Table 3.1 "District Uses & Standards" to allow parking a commercial vehicle on Assessor's Parcel 18G-5-49, zoned A-2, Rural Residential, and is located at 2 Rosepetal Street, Rosedale subdivision.

Mr. Kopchinsky said the applicant is not present. He said because we do not know if there was a medical or some other kind of emergency involved we will postpone and have staff make contact with the applicant and hear the case at the next meeting.

Mr. Overbey said he appreciates the folks in the audience for staying but our past practice has been to postpone. He said since this is the first time hearing this case we should postpone and if they do not show up next month the Board will deal with it at that time.

Mr. Overbey made the motion to postpone the case to the next meeting.

Mr. Beauch seconded.

Mr. Kopchinsky said he is calling for the vote on the motion by Mr. Overbey and seconded by Mr. Beauch to postpone the case to the next meeting.

Vote:

Motion carries 4-0

Mr. Ingalls – yes
Mr. Kopchinsky – yes
Mr. Overbey – yes
Mr. Beauch – yes

Mr. Kopchinsky said the motion carries 4-0.

Mr. Kopchinsky apologized to the neighbors saying had he known the applicant was not present he would have heard the case earlier in the meeting so the neighbors did not have to stay so long.

One of the neighbors expressed his dissatisfaction saying he could not attend the next meeting.

Mr. Kopchinsky apologized again and said the Board has an obligation to hear the case and the Ordinance also says even though the applicant is in violation of the Ordinance once he files an application the Board has to hear it.

Mr. Kopchinsky explained to the neighbors that a public hearing was not opened on the case and therefore the Board could not hear their complaints.

Mr. Overbey said it would not be fair to the applicant to not hear what was said.

UNFINISHED BUSINESS

Mr. Kopchinsky asked if any unfinished business.

One of the neighbors interrupted the Board proceedings and staff asking if they could have pictures shown on the projector for the Perez case next month.

Mr. Kopchinsky told the neighbor that he did not have to submit pictures for next months meeting at the current meeting and could get with staff at a later time. He said if staff wanted to take the disk for the next meeting fine, but this is not something for this Board at this time. Mr. Kopchinsky asked Ms. Doherty to take care of the request so the Board could move on with the meeting.

Ms. Hudson said one of the handouts is a letter from Mr. Leming regarding the Crucible. Mr. Kopchinsky said he did not remember seeing the document but Mr. Beauch said he had received and read his.

REPORT BY ZONING ADMINISTRATOR

None

ADOPTION OF MINUTES

April 25, 2006

Mr. Kopchinsky said he had some little changes and gave to Ms. Doherty to make changes.

Motion:

Mr. Overbey made the motion to approve the minutes as amended.

Mr. Ingalls seconded the motion.

Vote:

Motion carried 4-0

Mr. Kopchinsky – yes

Mr. Overbey – yes

Mr. Ingalls - yes

Mr. Beauch - yes

OTHER BUSINESS

Mr. Ingalls said he presented the 2005 BZA annual report to the Board of Supervisors at their last meeting. He said he brought up issues the Board has had for years and also the subject of alternate members for the BZA. He said he believes for the first time the Board of Supervisors heard our concerns and realize they need to do something and formed a small committee. He said we need to form a committee to discuss the issues brought up in the annual report.

Mr. Overbey said he is interested in getting the subject of alternates underway. He said the applicants are the ones that suffer when we only have four members present and someone has to abstain and cases can't be heard.

Mr. Kopchinsky said he would propose that he and Mr. Ingalls work with the Board of Supervisors committee.

Mr. Overbey asked if Mr. Kopchinsky would let him know when they meet he would like to attend.

Mr. Kopchinsky asked Ms. Hudson to check with the County Attorney to see if they can have a committee of three members.

Mr. Kopchinsky said he talked to Ms. Hudson and there may be the possibility of having a special meeting to hear the Stafford County Board of Supervisors case concerning Rocky Pen. He said they are under time constraints and he would let the Board know if a special meeting was planned.

ADJOURNMENT

Mr. Overbey made the motion to adjourn. Mr. Beauch seconded the motion.

Vote:

Motion carried 4-0

Mr. Kopchinsky – yes

Mr. Beauch – yes

Mr. Overbey – yes

Mr. Ingalls – yes

Meeting Adjourned at 9:05 p.m.

WLD

Approved: _____ Date: _____
Rachel T. Hudson, Deputy Zoning Administrator